

Patent
Attorney Docket No.: PD-201167

REMARKS

By this amendment, claims 1-21, 31-51, 61-81 and 91-102 are pending, in which claims 22-30, 52-60 and 82-90 are canceled without prejudice or disclaimer, claims 17-21, 47, 51, 76, 77 and 81 are currently amended, and claims 93-102 are newly presented. Care was exercised to avoid the introduction of new matter.

The Office Action mailed June 16, 2005 rejected claims 1-6, 16-21, 31-35, 46-51, 61-65, 76-81, 91 and 92 under 35 U.S.C. § 102 as anticipated by Applicant's Admitted Prior Art, and claims 7-15, 22-30, 37-45, 52-60, 67-75 and 82-90 as obvious under 35 U.S.C. § 103 based on Applicant's Admitted Prior Art. Additionally, claims 17-30, 47-60 and 77-90 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. Further, claims 53-55 and 76 were objected to for informalities.

The Specification is amended to correct discovered typographical errors.

The Office Action objects to the drawings, stating that the blocks of Figure 1 are required to be distinctly labeled. Presumably, the objectionable label is that of "106" which is shown twice on two arrows. However, the Specification describes object 106 as the compressed data. As fully supported in the Specification (e.g., paragraphs [07], [21], [22] and [26]), the compressed data 106 exists both before entering the communications channel 108 and after as compressed data. Hence, the same compressed data 106 exists at both points in the diagram of Figure 1. That is, use of the label "106" at these two points in the figure is appropriate, as it distinctly labels the identical compressed data. Applicants respectfully request withdrawal of this drawing objection.

In view of the claim amendment, the rejection under 35 U.S.C. §112, second paragraph, is believed to have been overcome, and no further rejection on that basis is anticipated.

With respect to rejections on the merit, it is not understood why the Examiner has assumed that the claimed features are anticipated and made obvious by Applicants' supposed admissions of prior art. Applicants have made no such admission. First, the Specification does not make any such characterization, and in fact, does not utilize any language that can be construed as an admission. For instance, the Specification does not use the language "prior art" in the Background section or anywhere in the Specification. The Background section (paragraphs [03] and [04]) states the following:

[03] In recent years, an algorithm known as DEFLATE compression algorithm, defined in RFC1951 [3], which operates in the IP Payload Compression Protocol (IPComp)

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application as defined in RFC2394 [4] has been developed. The DEFLATE compression algorithm improves upon the Lempel-Ziv 1977 (LZ77) compression algorithm by providing a second compression step that takes the compressed output of LZ77 algorithm and further compresses it using either fixed or dynamic Huffman coding [1]. The result is an algorithm that typically achieves 10%-15% better compression than the best LZ77 algorithms, such as Stac Lempel-Ziv standard (Stac LZS) compression algorithm [5] and that typically achieves the same compression as the LZJH compression algorithm [2] in the IPComp environment.

[04] However, while the DEFLATE algorithm improves upon the LZ77 algorithm, the DEFLATE algorithm does not improve upon the LZJH algorithm in that the LZJH algorithm is different from the LZ77 algorithm.

At best, the Applicants' Specification discloses that the DEFLATE algorithm has been shown to improve the LZ77 algorithm, but does not improve the claimed LZJH algorithm.

Second, the Examiner should not interpret citation labels to the "LIST OF REFERENCES" section on page 14 of the Specification, as prior art admission as to the claimed features. For example, the Specification (paragraph [14]) discloses:

Generally, the present invention applies to LZJH Data Compression [2], which has use in many forms of wireless and wireline data communications. The present invention improves upon the LZJH algorithm, creating an algorithm based on LZJH that is potentially better than LZJH in some applications. The present invention may improve the compression ratio of the LZJH Data Compression algorithm when compressing IP packets individually, such as in the IP Payload Compression Protocol (IPComp) application [4]. Since LZJH typically achieves 10%-15% better compression ratios than the best LZ77 algorithms, it is likely that adding a second Huffman coding [1] step applied to the output of the LZJH algorithm would improve the compression ratio of LZJH by some 10%.

The citation to references [2] and [1], for example, merely directs the reader to literature for more detailed information on LZJH Data Compression, and Huffman coding, respectively. This, however, does not constitute an admission by the Applicants that the useful and novel combination of LZJH compression and Huffman coding is "prior art."

Accordingly, the rejections under §§ 102 and 103 are improper.

Further, the Examiner's rejections are unclear in that no explanation is provided as to what particular admissions of prior art is made and where such supposed admissions can be found in Applicants' Specification. 35 U.S.C. § 132 requires the Director to "notify the applicant thereof, stating the reasons for such rejection." This section is violated if the rejection "is so uninformative that it prevents the applicant from recognizing and seeking to counter the grounds for rejection." *Chester v. Miller*, 15 USPQ2d 1333 (Fed. Cir. 1990). This policy is captured in the Manual of Patent Examining Procedure.

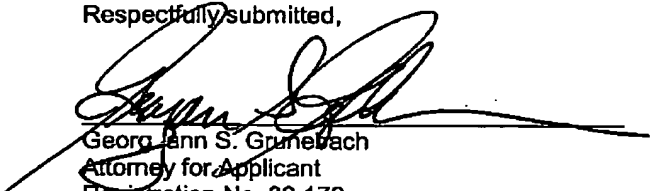
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For example, MPEP § 706 states that "[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that applicant has the opportunity to provide evidence of patentability and otherwise respond completely at the earliest opportunity." Furthermore, MPEP § 706.02(j) indicates that: "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to respond." Unfortunately, the Examiner does not provide any basis for the rejections, relying only on the faulty premise of admitted prior art.

Turning now to newly added claims 93-102, independent claim 93 is directed to a method for generating compressed data, and recites "compressing input data using a Lempel-Ziv-Jeff-Heath (LZJH) data compression scheme; and further compressing the LZJH compressed data using a Huffman coding scheme. As explained above, Applicants have made such no admission of these features as being "prior art," and thus, new claim 93 is allowable. Claims 94-102 depend, either directly or indirectly, from independent claim 93, and should also be allowable.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (310) 964-4615 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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